

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division – Los Angeles)
CIVIL DOCKET FOR CASE #: 2:19-cv-06717-AB-MRW**

Poonam Subbaiah v. Geico General Insurance Company et al
Assigned to: Judge Andre Birotte Jr
Referred to: Magistrate Judge Michael R. Wilner
Case in other court: Los Angeles County Superior Court, 19STCV23085
Cause: 28:1441 Notice of Removal – Insurance Contract

Date Filed: 08/02/2019
Date Terminated: 12/11/2019
Jury Demand: Plaintiff
Nature of Suit: 110 Insurance
Jurisdiction: Diversity

Plaintiff

Poonam Subbaiah
*an individual, on behalf of herself and all
others similarly situated*

represented by **Behram V Parekh**
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V.

Movant

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Movant

Cindy Ventrice-Pearson

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Ryan Michael Vincent Stewart
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V.

Defendant

Geico General Insurance Company
an Iowa corporation

represented by **Ian Scott Shelton**
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Defendant

Does
1-50, inclusive

Date Filed	#	Docket Text
08/02/2019	<u>1</u>	NOTICE OF REMOVAL from Superior Court of Los Angeles, case number 19STCV23085 Receipt No: 0973-24192583 – Fee: \$400, filed by Defendant Geico General Insurance Company. (Attachments: # <u>1</u> Exhibit 1 – State Court Class Action Complaint, # <u>2</u> Exhibit 2 – Proof of Service of Courts Orders) (Attorney Ian Scott Shelton added to party Geico General Insurance Company(pty:dft))(Shelton, Ian) (Entered: 08/02/2019)
08/02/2019	<u>2</u>	CIVIL COVER SHEET filed by Defendant Geico General Insurance Company. (Shelton, Ian) (Entered: 08/02/2019)
08/02/2019	<u>3</u>	CERTIFICATE of Interested Parties filed by Defendant Geico General Insurance Company, identifying Government Employees Insurance Company, GEICO Corporation, Berkshire Hathaway, Inc.. (Shelton, Ian) (Entered: 08/02/2019)
08/02/2019	<u>4</u>	NOTICE of Pendency of Other Actions or Proceedings filed by Defendant Geico General Insurance Company. (Shelton, Ian) (Entered: 08/02/2019)
08/02/2019	<u>5</u>	CONFORMED COPY OF COMPLAINT against defendants Does, Geico General Insurance Company, Jury Demand, filed by plaintiff Poonam Subbaiah. (Filed in state court 7/3/19, submitted as document 1, attachment 1, p. 4) (esa) (Entered: 08/02/2019)
08/02/2019	<u>6</u>	COPY OF SERVICE OF PROCESS TRANSMITTAL executed by Plaintiff Poonam Subbaiah, upon Defendant Geico General Insurance Company served on 7/5/2019. Service of the Summons and Complaint were executed upon CT Corporation System, Agent for Process of Service, by service on a domestic corporation, unincorporated association, or public entity. Original Summons NOT returned. (non-conformed, submitted as document 1, attachment 1, p. 2) (esa) (Entered: 08/02/2019)
08/02/2019	<u>7</u>	NOTICE OF ASSIGNMENT to District Judge Andre Birotte Jr and Magistrate Judge Jean P. Rosenbluth. (esa) (Entered: 08/02/2019)
08/02/2019	<u>8</u>	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed. (esa) (Entered: 08/02/2019)
08/02/2019	<u>9</u>	NOTICE OF PRO HAC VICE APPLICATION DUE for Non-Resident Attorney Kymberly Kochis. A document recently filed in this case lists you as an out-of-state attorney of record. However, the Court has not been able to locate any record that you are admitted to the Bar of this Court, and you have not filed an application to appear Pro Hac Vice in this case. Accordingly, within 5 business days of the date of this notice, you must either (1) have your local counsel file an application to appear Pro Hac Vice (Form G-64) and pay the applicable fee, or (2) complete the next section of this form and return it to the court at cacd_attyadm@cacd.uscourts.gov . You have been removed as counsel of record from the docket in this case, and you will not be added back to the docket until your Pro Hac Vice status has been resolved. (esa) (Entered: 08/02/2019)
08/02/2019	<u>10</u>	NOTICE OF PRO HAC VICE APPLICATION DUE for Non-Resident Attorney Alexanderr Fuchs. A document recently filed in this case lists you as an out-of-state attorney of record. However, the Court has not been able to locate any record that you are admitted to the Bar of this Court, and you have not filed an application to appear Pro Hac Vice in this case. Accordingly, within 5 business days of the date of this notice, you must either (1) have your local counsel file an application to appear Pro Hac Vice (Form G-64) and pay the applicable fee, or (2) complete the next section of this form and return it to the court at cacd_attyadm@cacd.uscourts.gov . You have been removed as counsel of record from the docket in this case, and you will not be added back to the docket until your Pro Hac Vice status has been resolved. (esa) (Entered: 08/02/2019)
08/05/2019	<u>11</u>	

		STANDING ORDER upon filing of the complaint by Judge Andre Birotte Jr. (cb) (Entered: 08/05/2019)
08/05/2019	<u>10</u>	ORDER RETURNING CASE FOR REASSIGNMENT UPON RECUSAL by Magistrate Judge Jean P. Rosenbluth. ORDER case returned to the Clerk for random reassignment Discovery pursuant to General Order 05–07. Case randomly reassigned from Magistrate Judge Jean P. Rosenbluth to Magistrate Judge Michael R. Wilner for all further proceedings. The case number will now reflect the initials of the transferee Judge 2:19–cv–06717 AB(MRWx). (rn) (Entered: 08/05/2019)
08/09/2019	<u>11</u>	NOTICE of Appearance filed by attorney Joseph R Ashby on behalf of Defendant Geico General Insurance Company (Attorney Joseph R Ashby added to party Geico General Insurance Company(pty:dft))(Ashby, Joseph) (Entered: 08/09/2019)
08/09/2019	<u>12</u>	APPLICATION of Non–Resident Attorney Kymberly Kochis to Appear Pro Hac Vice on behalf of Defendant Geico General Insurance Company (Pro Hac Vice Fee – \$400 Fee Paid, Receipt No. 0973–24235459) filed by Defendant Geico General Insurance Company. (Attachments: # <u>1</u> Proposed Order) (Ashby, Joseph) (Entered: 08/09/2019)
08/09/2019	<u>13</u>	APPLICATION of Non–Resident Attorney Alexander P. Fuchs to Appear Pro Hac Vice on behalf of Defendant Geico General Insurance Company (Pro Hac Vice Fee – \$400 Fee Paid, Receipt No. 0973–24235610) filed by Defendant Geico General Insurance Company. (Attachments: # <u>1</u> Proposed Order) (Ashby, Joseph) (Entered: 08/09/2019)
08/09/2019	<u>14</u>	STIPULATION for Extension of Time to File Answer to 9/6/2019, STIPULATION Extending Time to Answer the complaint as to Poonam Subbaiah answer now due 8/9/2019, filed by plaintiff Poonam Subbaiah.(Fields, Joshua) (Entered: 08/09/2019)
08/09/2019	<u>15</u>	STIPULATION to Waive Local Rule 23–3 filed by plaintiff Poonam Subbaiah. (Attachments: # <u>1</u> Proposed Order)(Fields, Joshua) (Entered: 08/09/2019)
08/12/2019	<u>16</u>	ORDER by Judge Andre Birotte Jr. Granting Application of Non–Resident Attorney Kymberly Kochis to Appear Pro Hac Vice on behalf of Defendant GEICO General Insurance Company, designating Joseph R. Ashby as local counsel <u>12</u> . (gk) (Entered: 08/13/2019)
08/12/2019	<u>17</u>	ORDER by Judge Andre Birotte Jr. Granting Application of Non–Resident Attorney Alexander P. Fuchs to Appear Pro Hac Vice on behalf of Defendant GEICO General Insurance Company, designating Joseph R. Ashby as local counsel <u>13</u> . (gk) (Entered: 08/13/2019)
08/12/2019	<u>18</u>	ORDER GRANTING STIPULATION TO WAIVE LOCAL RULE 23–3 by Judge Andre Birotte Jr.: Upon Stipulation <u>15</u> , it is hereby ORDERED that the Plaintiff is relieved from the Local Rule 23–3 deadline. When the parties filed their Joint Rule 26(f) Report, the parties shall also file a separate stipulation and proposed order setting forth their agreed–upon schedule on the class certification motion. (gk) (Entered: 08/13/2019)
09/06/2019	<u>19</u>	NOTICE OF MOTION AND MOTION to Compel Arbitration, NOTICE OF MOTION AND MOTION to Dismiss Case <i>Motion to Compel Appraisal and Dismiss or Stay the Case</i> filed by Defendant Geico General Insurance Company. Motion set for hearing on 10/11/2019 at 10:00 AM before Judge Andre Birotte Jr. (Attachments: # <u>1</u> Affidavit of Ian S. Shelton, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Proposed Order) (Shelton, Ian) (Entered: 09/06/2019)
09/09/2019	<u>20</u>	ORDER SETTING SCHEDULING CONFERENCE by Judge Andre Birotte Jr. Scheduling Conference set for 2/7/2020 at 10:00 AM before Judge Andre Birotte Jr. (cb) (Entered: 09/09/2019)
09/10/2019	<u>21</u>	NOTICE OF MOTION AND MOTION to Intervene <i>and to Dismiss</i> filed by Proposed Intervenors Martisha Ann Munoz, Cindy Ventrice–Pearson. Motion set for hearing on 10/25/2019 at 10:00 AM before Judge Andre Birotte Jr. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Declaration, # <u>3</u> Proposed

		Order, # <u>4</u> Proof of Service) (Attorney Annick Marie Persinger added to party Martisha Ann Munoz(pty:intv), Attorney Annick Marie Persinger added to party Cindy Ventrice–Pearson(pty:intv)) (Persinger, Annick) (Entered: 09/10/2019)
09/20/2019	<u>22</u>	First AMENDED COMPLAINT against Defendants Does, Geico General Insurance Company amending Complaint – (Discovery), filed by plaintiff Poonam Subbaiah (Attachments: # <u>1</u> Exhibit A)(Fields, Joshua) (Entered: 09/20/2019)
09/20/2019	<u>23</u>	NOTICE of Interested Parties filed by plaintiff Poonam Subbaiah, identifying Geico General Insurance Company. (Fields, Joshua) (Entered: 09/20/2019)
09/23/2019	<u>24</u>	(IN CHAMBERS) ORDER DEEMING MOTION TO COMPEL APPRAISAL AND DISMISS OR STAY THE CASE BY DEFENDANT GEICO GENERAL INSURANCE COMPANY (Dkt. No. <u>19</u>); and MOTION TO INTERVENE AND TO DISMISS OR, IN THE ALTERNATIVE TO STAY OR TRANSFER (Dkt. No. <u>21</u>) AS MOOT by Judge Andre Birotte Jr.: In light of the First Amended Complaint (Dkt. No. <u>22</u>), the motions are DENIED as MOOT, and the hearings scheduled for October 11, 2019, and October 25, 2019, are hereby VACATED. IT IS SO ORDERED.(cb) (Entered: 09/23/2019)
09/26/2019	<u>25</u>	Second NOTICE OF MOTION AND MOTION to Intervene <i>and to Dismiss</i> filed by Intervenor Martisha Ann Munoz, Cindy Ventrice–Pearson. Motion set for hearing on 11/8/2019 at 10:00 AM before Judge Andre Birotte Jr. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Declaration, # <u>3</u> Proposed Order, # <u>4</u> Proof of Service) (Persinger, Annick) (Entered: 09/26/2019)
10/04/2019	<u>26</u>	NOTICE OF MOTION AND MOTION to Compel Arbitration, NOTICE OF MOTION AND MOTION to Dismiss Case , NOTICE OF MOTION AND MOTION to Stay Case pending <i>Appraisal Motion to Compel Appraisal and Dismiss the First Amended Complaint or Stay the Case</i> filed by Defendant Geico General Insurance Company. Motion set for hearing on 11/8/2019 at 10:00 AM before Judge Andre Birotte Jr. (Attachments: # <u>1</u> Affidavit of Ian S. Shelton, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Proposed Order) (Shelton, Ian) (Entered: 10/04/2019)
10/10/2019	<u>27</u>	NOTICE OF PRO HAC VICE APPLICATION DUE for Non–Resident Attorney Edmand A. Normand. A document recently filed in this case lists you as an out–of–state attorney of record. However, the Court has not been able to locate any record that you are admitted to the Bar of this Court, and you have not filed an application to appear Pro Hac Vice in this case. Accordingly, within 5 business days of the date of this notice, you must either (1) have your local counsel file an application to appear Pro Hac Vice (Form G–64) and pay the applicable fee, or (2) complete the next section of this form and return it to the court at cacd_attyadm@cacd.uscourts.gov . You have been removed as counsel of record from the docket in this case, and you will not be added back to the docket until your Pro Hac Vice status has been resolved. (gk) (Entered: 10/10/2019)
10/10/2019	<u>28</u>	NOTICE OF PRO HAC VICE APPLICATION DUE for Non–Resident Attorney Jacob L. Phillips. A document recently filed in this case lists you as an out–of–state attorney of record. However, the Court has not been able to locate any record that you are admitted to the Bar of this Court, and you have not filed an application to appear Pro Hac Vice in this case. Accordingly, within 5 business days of the date of this notice, you must either (1) have your local counsel file an application to appear Pro Hac Vice (Form G–64) and pay the applicable fee, or (2) complete the next section of this form and return it to the court at cacd_attyadm@cacd.uscourts.gov . You have been removed as counsel of record from the docket in this case, and you will not be added back to the docket until your Pro Hac Vice status has been resolved. (gk) (Entered: 10/10/2019)
10/10/2019	<u>29</u>	NOTICE OF PRO HAC VICE APPLICATION DUE for Non–Resident Attorney Scott Edelsberg. A document recently filed in this case lists you as an out–of–state attorney of record. However, the Court has not been able to locate any record that you are admitted to the Bar of this Court, and you have not filed an application to appear Pro Hac Vice in this case. Accordingly, within 5 business days of the date of this notice, you must either (1) have your local counsel file an application to

		appear Pro Hac Vice (Form G-64) and pay the applicable fee, or (2) complete the next section of this form and return it to the court at cacd_attyadm@cacd.uscourts.gov . You have been removed as counsel of record from the docket in this case, and you will not be added back to the docket until your Pro Hac Vice status has been resolved. (gk) (Entered: 10/10/2019)
10/17/2019	<u>30</u>	APPLICATION of Non-Resident Attorney Edmund A. Normand to Appear Pro Hac Vice on behalf of Movants Martisha Ann Munoz, Cindy Ventrice-Pearson (Pro Hac Vice Fee - \$400 Fee Paid, Receipt No. 0973-24626746) filed by Intervenor Martisha Ann Munoz, Cindy Ventrice-Pearson. (Attachments: # <u>1</u> Proposed Order) (Attorney Ryan Michael Vincent Stewart added to party Martisha Ann Munoz(pty:mov), Attorney Ryan Michael Vincent Stewart added to party Cindy Ventrice-Pearson(pty:mov)) (Stewart, Ryan) (Entered: 10/17/2019)
10/17/2019	<u>31</u>	APPLICATION of Non-Resident Attorney Jacob L. Phillips to Appear Pro Hac Vice on behalf of Movants Martisha Ann Munoz, Cindy Ventrice-Pearson (Pro Hac Vice Fee - \$400 Fee Paid, Receipt No. 0973-24626785) filed by Intervenor Martisha Ann Munoz, Cindy Ventrice-Pearson. (Attachments: # <u>1</u> Proposed Order) (Stewart, Ryan) (Entered: 10/17/2019)
10/18/2019	<u>32</u>	MEMORANDUM in Opposition to NOTICE OF MOTION AND MOTION to Compel Arbitration NOTICE OF MOTION AND MOTION to Dismiss Case NOTICE OF MOTION AND MOTION to Stay Case pending Appraisal <i>Motion to Compel Appraisal and Dismiss the First Amended Complaint or Stay the Case</i> <u>26</u> filed by Plaintiff Poonam Subbaiah. (Attachments: # <u>1</u> Declaration of Joshua A. Fields, # <u>2</u> Exhibit A to Fields Declaration, # <u>3</u> Declaration of Poonam Subbaiah, # <u>4</u> Exhibit A to Subbaiah Declaration, # <u>5</u> Exhibit B to Subbaiah Declaration, # <u>6</u> Exhibit C to Subbaiah Declaration, # <u>7</u> Exhibit D to Subbaiah Declaration, # <u>8</u> Exhibit E to Subbaiah Declaration, # <u>9</u> Exhibit F to Subbaiah Declaration, # <u>10</u> Exhibit G to Subbaiah Declaration)(Fields, Joshua) (Entered: 10/18/2019)
10/18/2019	<u>33</u>	MEMORANDUM in Opposition to Second NOTICE OF MOTION AND MOTION to Intervene <i>and to Dismiss</i> <u>25</u> filed by Plaintiff Poonam Subbaiah. (Attachments: # <u>1</u> Declaration of Joshua A. Fields, # <u>2</u> Exhibit A to Fields Declaration, # <u>3</u> Exhibit B to Fields Declaration, # <u>4</u> Exhibit C to Fields Declaration, # <u>5</u> Exhibit D to Fields Declaration)(Fields, Joshua) (Entered: 10/18/2019)
10/22/2019	<u>34</u>	ORDER by Judge Andre Birotte Jr: granting <u>30</u> Non-Resident Attorney Edmond A. Normand APPLICATION to Appear Pro Hac Vice on behalf of Martisha Munoz and Cindy Ventrice-Person, designating Ryan Stewart as local counsel. (yl) (Entered: 10/24/2019)
10/22/2019	<u>35</u>	ORDER by Judge Andre Birotte Jr: granting <u>31</u> Non-Resident Attorney Jacob L. Phillips APPLICATION to Appear Pro Hac Vice on behalf of Martisha Ann-Munoz and Cindy Ventrice-Pearson, designating Ryan Stewart as local counsel. (yl) (Entered: 10/24/2019)
10/25/2019	<u>36</u>	REPLY in Support of NOTICE OF MOTION AND MOTION to Compel Arbitration NOTICE OF MOTION AND MOTION to Dismiss Case NOTICE OF MOTION AND MOTION to Stay Case pending Appraisal <i>Motion to Compel Appraisal and Dismiss the First Amended Complaint or Stay the Case</i> <u>26</u> filed by Defendant Geico General Insurance Company. (Attachments: # <u>1</u> Declaration of Ian S. Shelton, # <u>2</u> Exhibit A)(Shelton, Ian) (Entered: 10/25/2019)
10/25/2019	<u>37</u>	REPLY in Support of Second NOTICE OF MOTION AND MOTION to Intervene <i>and to Dismiss</i> <u>25</u> filed by Movants Martisha Ann Munoz, Cindy Ventrice-Pearson. (Attachments: # <u>1</u> Proof of Service)(Persinger, Annick) (Entered: 10/25/2019)
10/25/2019	<u>38</u>	RESPONSE filed by Pro Hac Vice attorney on behalf of Plaintiff Poonam Subbaiah. RE: Notice of Filing Fee Due. PHV fee N/A. Attorney will not be appearing as attorney of record on this case. (lt) (Entered: 10/25/2019)
11/06/2019	<u>39</u>	(IN CHAMBERS) ORDER CONTINUING 1) PLAINTIFFS' MOTION TO INTERVENE AND TO DISMISS OR, IN THE ALTERNATIVE TO STAY OR TRANSFER <u>25</u> ; 2) MOTION TO COMPEL APPRAISAL AND DISMISS THE FIRST AMENDED COMPLAINT OR STAY THE

		CASE BY DEFENDANT GEICO GENERAL INSURANCE COMPANY <u>26</u> by Judge Andre Birotte Jr. This Court, on its own motion, hereby continues the hearing regarding these motions from November 8, 2019 to Friday, December 6, 2019 at 10:00 am before Judge Andre Birotte Jr. IT IS SO ORDERED.THERE IS NO PDF DOCUMENT ASSOCIATED WITH THIS ENTRY. (cb) TEXT ONLY ENTRY (Entered: 11/06/2019)
11/20/2019	<u>40</u>	Joint NOTICE OF MOTION AND MOTION to Continue Hearing from December 6, 2019 to December 13, 2019 Re: Text Only Scheduling Notice,, 39 filed by Defendant Geico General Insurance Company. Motion set for hearing on 12/6/2019 at 10:00 AM before Judge Andre Birotte Jr. (Attachments: # <u>1</u> Proposed Order) (Kochis, Kymberly) (Entered: 11/20/2019)
11/25/2019	<u>41</u>	ORDER GRANTING JOINT MOTION FOR CONTINUANCE OF HEARING DATE by Judge Andre Birotte Jr.: It is hereby ORDERED that the parties' Joint Motion for Continuance of Hearing Date <u>40</u> is GRANTED. The hearing on Defendant GEICO General Insurance Company's Motion to Compel Appraisal and Dismiss or Stay the Case, and Intervener–Plaintiffs' Motion to Intervene and to Dismiss, or in the Alternative, Stay the Case <u>26</u> is hereby continued to 12/13/2019 at 10:00 AM before Judge Andre Birotte Jr. (gk) (Entered: 11/26/2019)
12/02/2019	<u>42</u>	NOTICE of Supplemental Authority filed by Movant Martisha Ann Munoz, Cindy Ventrice–Pearson. (Persinger, Annick) (Entered: 12/02/2019)
12/11/2019	<u>43</u>	ORDER (1) GRANTING IN PART AND DENYING IN PART PROPOSED INTERVENORS' MOTION TO INTERVENE AND TO DISMISS OR, IN THE ALTERNATIVE, TO STAY OR TRANSFER, PURSUANT TO THE FIRST TO FILE RULE, AND (2) DENYING AS MOOT DEFENDANT GEICO'S MOTION TO COMPEL APPRAISAL AND TO DISMISS THE FIRST AMENDED COMPLAINT OR STAY THE CASE by Judge Andre Birotte Jr.: The Court GRANTS IN PART and DENIES IN PART the Proposed Intervenor's Motion to Intervene and TRANSFERS this case to the Northern District of California <u>25</u> . Further, the Court DENIES Defendant's Motion to Compel Appraisal <u>26</u> as moot. Case electronically transferred. (gk) (Entered: 12/11/2019)